



STATE OFFICER TO RESIGN

Sam Nichols, Secretary of the State of Washington Will Tender His Resignation

SHIVLEY WILL STAND PAT

Both Men Being Investigated by the Spokane Grand Jury For Alleged Irregularities in the State Insurance Business Alleged to be the Cause.

SPOKANE, May 3.—Secretary of State Sam H. Nicholas said in Seattle today that he had decided to resign and would retire to his home at Everett. The date of his resignation, the secretary will leave to the legislature who is investigating the matter through a special committee or to the governor, M. E. Hay. State Insurance Commissioner Shivley, over the telephone, stated that he did not intend to resign and would stand by his office. Nicholas and Shivley are accused of alleged irregularities in the state insurance department, while Nicholas was ex-officio commissioner and Shivley assistant commissioner and actively in charge.

EVERETT, Wash., May 3.—Secretary of State S. H. Nicholas has confided to intimate friends here that he will probably resign. He asserts innocence of malfeasance of office. He expects to return to his home in Everett, saying he will not squander the little money he has saved to fight proceedings. He says the fight means the disruption of the Republican party in this part of the state. Nicholas is bitter in denunciation of all the newspapers. He returned to Olympia this morning.

SEATTLE, May 3.—Secretary of State Sam H. Nicholas, whose office along with that of State Insurance Commissioner John H. Shivley, is being investigated by a legislative committee, today said he would resign if the commission demanded that he vacate the office. Nicholas passed through Seattle on his way to Olympia this afternoon. Nicholas is alleged to have received part of the money which Insurance Commissioner Shivley collected from insurance companies to examine their books.

"MAY AND DECEMBER." Battle Creek Man Takes Girl Bride and Hikes For Europe.

BATTLE CREEK, Mich., May 3.—Samuel Eberly Gross, formerly of Chicago, was married here yesterday to Miss Ruby Louise Haughey. The groom is 65 years old, the bride 18. Mr. Gross was once an extensive operator in real estate and achieved international fame as the author of a play entitled "The Merchant Prince of Cornville," which he maintained to be the original of Edmund Rostand's "Cyrano de Bergerac," his contention being upheld in a suit in the Federal Court. Mr. Gross has for some time been in retirement but recently came into public notice once more as defendant

RAILROAD MANAGER IN LAW TOILS

SPOKANE, May 3.—C. W. Hadley the manager of the Idaho Railway & Navigation Company was arrested here this afternoon upon a charge of obtaining money under false pretenses. It is alleged in the information filed that he sold stock in the company, falsely claiming that Mayor C. Herbert Moore of Spokane and Judge J. D. Hinkle were officers of

in a suit for divorce by his first wife, who obtained a decree only a few days ago. The newly wedded couple have left for New York and Atlantic City. As a wedding gift from her husband, the bride received pearls, rubies and diamonds to the value of several thousand dollars. She is prominent in musical circles and Mr. Gross will take her to Europe, where it is reported she will receive vocal instruction from the best teachers on the continent.

DANCE HALL ROW.

CHICAGO, May 3.—William Zelty, who shot and killed Michewski, was fatally wounded early today during a fight with Frank Linsko in a dance hall. Linsko escaped after the affray, but police and detectives are now searching for the fugitive.

THE BLACK BRUISER.

CHICAGO, May 3.—Champion Jack Johnson starts his training today for his bout with Jack O'Brien in Philadelphia, May 19. He has been working lightly. George Lyttle, who is managing Johnson says that although the big colored boxer will sail for England May 26, he intends to come back in time to fill his engagements here with Kauffman and Ketchel.

DECISION REVERSED IN WM. DWYER CASE

WAS CONVICTED OF PERJURY IN CONNECTION WITH THE LAND FRAUDS.

SAN FRANCISCO, May 3.—The appeal of William Dwyer of Idaho, found guilty on five counts of perjury in connection with certain land frauds in that state was granted by the United States circuit court of appeals today and cause remanded for retrial. Dwyer was sentenced to pay a fine of \$500 and serve 18 months in the penitentiary. The appellate court deems lower court erred in allowing evidence of perjury in final proof of entrymen, holding this to be no violation of law according to a decision of the supreme court of the United States in the Williamson case.

NATIONAL PEACE CONGRESS IN SESSION

ADDRESS OF DAVID STARR JORDAN OF THE STANFORD UNIVERSITY.

CHICAGO, May 3.—"Jadr Krieg Verschlingt Immer Die Besten" (Even the war devours the best) These words, written by the German poet Schiller, formed the theme of the address at the opening of the National Peace Congress here today by David Starr Jordan, president of the Leland Stanford University. The warlike nations of today is the decadent nation of tomorrow. It has ever been so and in the nature of things ever must be. The republic of Rome lasted so long as there were Romans. The Republic of America will last as long as its people in blood and spirit remain what we learned to call Americans.

NEW ROAD IN NORTHWEST.

PORTLAND, Ore., May 3.—Some time during the present week, according to official announcement, the formal opening will take place of the Spokane, Portland and Seattle railway company's line recently completed between this city and Spokane. The new line is 377 miles long and furnished the company with a through route from Portland to within nine miles of Spokane. Over the nine-mile stretch the company will use the Northern Pacific tracks as an entrance to Spokane. The new road is owned by the Northern Pacific and the Great Northern railway companies. The road is one of the most costly in America, the cost of some of it ranging from \$200,000 to \$500,000 a mile over the stretches built along the rock cliffs.

SUPREME COURT DECISION

Reverses Decision of Lower Court Relative to Coal Companies in Carrying Trade

MAY DO BUSINESS ANYWHERE

Important Decision Favorable to Railroad Companies Who Have Been Prevented From Carrying Coal Out of State Where it is Produced.

WASHINGTON, May 3.—It has been many a day since the decision of the United States supreme court has been received with as much interest as was manifested today in the reversal of the circuit court's decision on the "Commodity Clause," affecting anthracite coal carrying railroads. These causes have been decided favorable to the railroads in that clause of the Hepburn law which prevents interstate railroads from carrying commodities manufactured, mined or produced directly or indirectly by roads was declared unconstitutional. The general impression has been that the decision would be affirmed by the supreme court. When therefore, there was a reversal instead of an affirmative decision, the interest was magnified. When again it was found that the reversal was based on technical grounds and that the effect was in reality favorable to the railroad companies, public sentiment took another turn and those who had been anxiously awaiting the decision were much puzzled. The decision was announced by Justice White, who declined to give out more than a summary, showing the net results of the findings of the court. Only one dissenting opinion was announced, that of Justice Harlan. Analyzed, Justice White's decision is that congress did not transcend its constitutional authority in enacting the commodity clause, but it was held that the government's construction of it had been entirely too comprehensive. As construed by the court the sole object of the clause is to prevent carriers being associated in interest with commodities transported at the time the transportation was summed up. The act only compels companies to disassociate themselves from the products they carry and the government contention that the law applies to the ownership of stock and prohibits the transportation of commodities simply because they have been produced by railroad companies is untenable. The effect of the decision is favorable to the railroads, and the government lost practically on all the points, except in sustaining the principle involved, in holding that congress had not gone beyond its authority in enacting the law. The court concedes the right to legislate and prohibit, and if so disposed congress might enlarge and extend the scope of the provision. The decision sustains the principles of law.

INCOME TAX DISCUSSED IN SENATE

BORAH QUOTES ROOSEVELT AND TAFT—CLAIMS CARNEGIE NOT PARTY.

WASHINGTON, May 3.—During Senator Borah's speech he referred to Roosevelt as having shaped the destinies of the Republican party and that without his leadership his party would have gone out of business. He added that without adherence to these principles, the party will go out of power. His statements regarding Roosevelt were in connection with the ex-President's suggestions favoring a graduated income tax. Borah also quoted Taft's speech in which he spoke in favor of an income tax. Asked by Sutherland if he believed that Taft believes in the constitutionality of an income tax, Borah replied that he only knew what Taft had said to the American people while a candidate for President, that he favored an income tax which could be drawn to be made constitutional. Referring to Carnegie's statement that the income tax would encourage perjury, Borah said, Carnegie did not make the Republican party and I wish I was just as sure that the Republican party did not make Carnegie.

THE DAY IN HISTORY.

- 1702—Lord Cornbury commenced his administration of the government of New York.
- 1765—The first medical school in America founded.
- 1782—Robert Monckton, colonial governor of New York, died. Born June 24, 1726.
- 1813—Havre de Grace, Md. burned by the British.
- 1816—James McHenry, one of the signers of the Declaration of Independence and Secretary of War in Washington's cabinet, died in Baltimore. Born Nov. 16, 1753.
- 1842—Governments of two opposing parties formed in Newport, R. I.
- 1856—George McIntosh Troup, U. S. Senator and Governor of Georgia, died. Born Sept. 8, 1780.
- 1863—Grand Gulf, Miss., evacuated by the Confederates.
- 1897—Foreclosure sale of the Atlantic and Pacific Railroad at Gallup, N. M.

CHOIR EN TOUR.

CHICAGO, May 3.—The Paulist Choirist Society of St. Mary's Roman Catholic Church leaves today on a concert tour to the East, visiting Detroit, Buffalo, Niagara Falls, New York, Baltimore and Washington. This is said to be the first trip of the kind ever made by a Roman Catholic Church choir in America. One of the features will be a visit to the White House where the members will sing for the President.

NOTED MURDER TRIAL.

GLASGOW, May 3.—What promises to be one of the most noted criminal trials that has taken place here in years was begun in the High Court today, when Oscar Slater, alias Otto Sands, was placed on trial for the alleged murder of Marion Gilchrist last January. The victim of the murder was a maiden lady of some means and robbery is supposed to have furnished the motive for the killing. She was found dead in her home and the evidence indicated that she had been beaten to death. A lodger in her house, who disappeared immediately after the murder, was sought by the police. Circulars were sent broadcast over the world, with the result that a man giving his name as Sands was arrested by the New York police in February as he landed from a Liverpool steamship. His appearance tallied with the description sent by the Glasgow police and he was held, together with a young woman with whom he had traveled to America. Witnesses were sent from Glasgow to New York and then identified Sands as the man who formerly lodged at the house of the murdered woman. Since he was returned to Glasgow the man is said to have admitted his identity, though denying all knowledge of the murder.

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THE IDEAL WIFE CONSIDERED

Subject of a Sermon Delivered by Rev. Claughan in Chicago Sunday Appreciated

MANY ANSWERS SENT PASTOR

Every Man Who Answered Minister's Questions Stated he Did Not Want a College Graduate, Clubwoman or Reformer.

CHICAGO, May 3.—Rev. D. D. Claughan, of the Halsted Institutional Church whose sermon a week ago on "The Ideal Husband" was inspired by letters from 100 young women, has followed that effort by discourse on "The Ideal Wife." Letters from many swains were read Sunday to an appreciative audience.

While the qualifications for wives-to-be were varied and amusing in many cases, it was evident that most of the men who wrote to the pastor were serious in their requests. Every man wrote that he did not wish his wife to be a college graduate, a clubwoman, nor a reformer. Neither was it considered essential that she be pretty or talented. What every man wanted was an "old fashioned girl." All insisted that the acceptable girl be a good cook and neat housekeeper. Only two men wanted a stylish wife. More of them wanted her vivacious rather than quiet. All insisted on her being a "home girl." The prevailing opinion seemed to be against society women, reformers or those interested in politics.

NATIONAL PEACE CONGRESS.

CHICAGO, Ill., May 3.—The Second National Peace Congress, a gathering of peace advocates from all parts of the United States and from foreign countries as well; had its formal opening in Orchestra Hall this afternoon, with Robert Treat Paine presiding. More than a thousand delegates are now in the city prepared to take part in the various meetings which will continue for three days.

The gathering is the largest and most representative of its kind that has been held in Chicago since the universal peace congress was held here in connection with the Columbian exposition in 1893. Included in the attendance are farmers and college presidents financiers and working men, suffragists and anti-suffragists, statesmen and business men. Among the foreign diplomats taking part are Count Johann Heinrich von Bernstorff, German ambassador; F. L. la Barra, Mexican ambassador, and Herman de Legercrantz, minister from Sweden.

The programme of the congress provides for the discussion of international peace in all its phases. At the initial session this afternoon the general existing status of the peace movement was the topic of consideration. This evening the subject will be "The Drawing Together of the Nations." Rabbi Hirsch will preside, and among the speakers will be President David Starr Jordan of Leland Stanford Jr. University.

Tomorrow morning there will be a commerce and industry session, with Richard C. Hall presiding. The business men's point of view of the movement for international peace will be put before the meeting. Another session will be held at the same time at the Chicago Woman's Club to discuss the general topic of "Women and Peace." Mrs. Philip N. Moore, president of the General Federation of Women's Clubs, is scheduled as one of the speakers.

Tomorrow afternoon the session

will be devoted to the discussion of legal aspects of the peace movement, William J. Calhoun presiding. At Mandel Hall, University of Chicago, there will be a special session for universities and colleges. In the evening the general subject will be "Next Step in Peacemaking." There will also be an evening session for universities and colleges.

On Wednesday, the concluding day of the meeting, the committee on resolutions will report, and their report is likely to be one of the most interesting features of the entire congress. Wednesday morning there is also to be a conference of peace workers, with numerous ten-minute addresses. Wednesday afternoon the international greetings will be exchanged by the diplomats. That afternoon there will also be a special school session for the school children of Chicago. The finale of the congress will be reached Wednesday night, when a banquet is to be given at the Auditorium by the Chicago Association of Commerce to the delegates.

SCARLET FEVER EN ROUTE

SALT LAKE, Utah, May 3.—Because one of its occupants developed scarlet fever between Denver and Green River, Utah, a tourist sleeper on the second question of Rio Grande train No. 3 is quarantined in the Salt Lake yards and the 26 passengers are wondering when they will be permitted to resume their journey to Los Angeles.

HAINES TRIAL STARTED ON THIRD WEEK

NEGRO SERVANTS CREATE MERRIMENT IN TELLING ANTIQUES OF BILLIE.

FLUSHING, N. Y., May 3.—With 13 of the defense witnesses disposed of the Haines trial started on its third week today. Probably the most important testimony in behalf of Haines was that of Lee Bugg, a real estate dealer and member of the Bayside Yacht Club. He testified that he had discovered merits of certain property adjoining the yacht club with Thornton Haines. Bugg's testimony tended to show lack of premeditation on the part of the defendant. The negro servants of the Haines household created merriment by their characteristic manner in telling about the antics of Billie Annie and Claudia Haines at Haines' home during the captain's absence.

FOREST FIRES RAGING IN WASHINGTON

FEARS ENTERTAINED THAT ELECTRIC CURRENT WILL BE DESTROYED.

TACOMA, May 3.—Forest fires are raging today and tonight over about 1000 acres of land eight miles south of Orting, and unless the wind changes quickly it is probable the high tension of the wires from the Great Electric power plant at Electron will be destroyed depriving Tacoma and Seattle of an electric current for both street car and lighting service. It is reported that the plant is in danger of destruction.

THE HOUSE PROTESTS ON DAVIS PORTRAIT

WASHINGTON, May 3.—A protest against the action of the legislature of Mississippi in placing the portrait of Jefferson Davis on the silver service to be presented to the battleship bearing the name of that state, was presented in the house today by Hollingsworth of Ohio in the shape of a resolution, Hollingsworth desiring

SERIOUS CHARGE AGAINST JUDGES

Accused of Complicity in Connection Between the State and Mail Road Companies

CONGRESS WILL INVESTIGATE

Resolution Introduced Alleges Two Judges Accompanied Certain Railroad Officials on a Fishing Trip—Party Arrested For Violating Law.

WASHINGTON, May 3.—Making serious charges against Federal Judges Phillips and McPherson of the western district of Missouri, Representative Murphy of that State introduced a resolution today to investigate their conduct in the litigation between the State of Missouri and the mail road companies over the maximum freight law and the Missouri two-cent fare rate. A committee will be appointed to conduct the investigation and report to congress. The preamble to the resolution alleges that the two judges accompanied certain railroad officials on a fishing trip on which occasion members of the party were arrested for a violation of the game laws of the state. The resolution charges Judge Phillips of neglect of duty by continued absence from the bench and when he does preside the court is in session only for four hours a day. Murphy declares that Judge Phillips is insulting to the attorneys. That if a jury fails to bring in a verdict according to his instructions, he becomes insulting and virtually accuses the jurors of violating their oaths. Relating to various phases of railroad litigation, it is said that two judges rendered a certain decision which in effect usurped the executive powers of the legislature. A committee will be appointed to investigate the charges.

"COALS TO NEWCASTLE."

CHICAGO, May 3.—In response to an official request Morris & Company, the Chicago packers, will send their champion six-horse team of Clydesdales to the Royal Agricultural Show in London next July. The Morris team won the championship of the world last December, and the six horses which make up the team have between them 121 ribbons. Two of the horses are British born, two Canadian born and two were raised in Illinois.

YESTERDAY'S BALL SCORES.

- Northwest League. Vancouver 1, Portland 8. Spokane 2, Tacoma 3. Seattle 5, Aberdeen 2.
- Coast League. Los Angeles 3, Vernon 1.
- American League. Boston 7, Washington 1. Chicago 4, Detroit 0.
- National League. Philadelphia 5, New York 1. Chicago 2, Pittsburg 9. St. Louis 5, Cincinnati 3.